

JS - 6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

|                          |   |                              |
|--------------------------|---|------------------------------|
| BRIAN L. BROWN,          | ) | No. ED CV 13-02136-AHS (VBK) |
|                          | ) |                              |
| Plaintiff,               | ) | ORDER FOR SUMMARY DISMISSAL  |
|                          | ) |                              |
| v.                       | ) |                              |
|                          | ) |                              |
| LINDA T. MCGREW, et al., | ) |                              |
|                          | ) |                              |
| Defendants.              | ) |                              |
| _____                    | ) |                              |

On November 21, 2013, pro se Plaintiff Brian L. Brown's (hereinafter referred to as "Plaintiff") "Civil Rights Complaint pursuant to Bivens v. Six Unknown Agents, 403 U.S. 388 (1971)" entitled Brian L. Brown v. Linda T. McGrew, et al., was lodged in the United States District Court for the Central District of California pursuant to an October 25, 2013 "Transfer Order" from the United States District Court for the District of Columbia. On December 4, 2013, Plaintiff's Complaint was filed and given Case No. ED CV 13-02136-AHS (VBK), pursuant to the Court's "Order re Leave to File Action Without Prepayment of Full Filing Fees." Plaintiff names as Defendants Warden Linda T. McGrew; Mr. Luniz; Ms. Boyd; Mr. Prieto; Mr. Cintoran; Mr. Halstead; and Dr. Squetini. Plaintiff alleges that

1 Defendants violated his rights on July 15, 2013 and July 21, 2013. In  
2 Claim One, Plaintiff alleges that he was subjected to serious bodily  
3 injury by Defendant Luniz' comments to other inmates disclosing that  
4 Plaintiff was a sex offender. In Claim Two, Plaintiff alleges a First  
5 Amendment violation against his right to access the courts. In Claim  
6 Three, Plaintiff alleges an Eighth Amendment violation and deliberate  
7 indifference against Defendant Dr. Squetini.

8 Previously on October 24, 2013, Plaintiff filed a "Civil Rights  
9 Complaint pursuant to Bivens v. Six Unknown Agents, 403 U.S. 388  
10 (1971)" pursuant to the Court's Order re Leave to File Action Without  
11 Prepayment of Full Filing Fee, which was given Case No. ED CV 13-  
12 01497-AHS (VBK). Plaintiff named as Defendants Warden Linda T.  
13 McGrew; Mr. Luniz; Ms. Boyd; Mr. Prieto; Mr. Cintoran; Mr. Halstead  
14 and Dr. Squetini. Plaintiff alleges that Defendants violated his  
15 rights on July 15, 2013 and July 21, 2013. Plaintiff alleges the same  
16 three claims against the same Defendants as in Case No. CV 13-02136-  
17 AHS (VBK).

18 On January 7, 2014, the Court issued an Order to Show Cause why  
19 Case No. CV 13-02136-AHS (VBK) should not be dismissed or consolidated  
20 with Case No. CV 13-01497-AHS (VBK).

21 On January 27, 2014, Plaintiff filed a document requesting  
22 "permission for leave to withdraw duplicated action." Pursuant to

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1 Fed.R.Civ.P. 41(a)(1), Plaintiff's Complaint is hereby dismissed.

2 **IT IS THEREFORE ORDERED** that the Complaint is hereby dismissed  
3 without prejudice.

4  
5 DATED: February 7, 2014

ALICEMARIE H. STOTLER  
\_\_\_\_\_  
ALICEMARIE H. STOTLER  
SENIOR UNITED STATES DISTRICT JUDGE

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8 Presented on  
9 January 30, 2014 by

10 /s/  
11 VICTOR B. KENTON  
12 UNITED STATES MAGISTRATE JUDGE  
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